

**United States Bankruptcy Court
Eastern District of Michigan**

In re **Theodore E. Colias
Leslie L. Colias**

Debtor(s)

Case No. **08-65166-WSD**
Chapter **13**

NOTICE OF PROPOSED POST-CONFIRMATION PLAN MODIFICATION

The Debtors have filed papers with the Court to modify their confirmed Chapter 13 Plan.

The Debtors propose to modify their confirmed Plan pursuant to LBR 3015-2(b) as follows:

- The Debtors received a 2008 income tax refund in the amount of \$728.00; a 2009 income tax refund in the amount of \$1620.00; a 2010 income tax refund in the amount of \$2012.00; a 2011 income tax refund in the amount of \$2136.00, and a 2012 income tax refund for \$1660. Total refunds received by the Debtors were \$8156.
- To partially satisfy the tax refunds owed to the Plan, the Debtors sent to the Trustee's Office on 2/15/12 a check in the amount of \$3350.32, and a check on 7/15/2013 in the amount of \$1400.00 totaling \$4750.32 leaving a balance owed of \$3405.68.
- Of this \$3405.68, the Debtors wish to excuse \$1058.72 that was spent on necessary roof repairs, and \$1262.80 that was spent on necessary tax preparation expenses thereby leaving \$1084.16 of tax refunds remaining owed to the Plan.
- The Debtor's will forward to the Trustee's Office the remaining \$1084.16 still owed for tax refunds by July 30, 2014.

This proposed modification has the following impact on the classes of creditors being paid by the Trustee as follows:

- a. class one administrative claims - Will not be effected as the Debtors have satisfied all their regular scheduled plan payments, therefore there will be funds available.
- b. class two continuing claims - Will not be effected as the funds will be available for creditor.
- c. class three executory contracts/unexpired lease - Will not be effected as there are none.
- d. class four arrearage on continuing claims - Will not be effected as this creditor is paid at 100% at time of this plan modification.
- e. class five (a) secured purchase money security interest claims - Will not be effected as this creditor is paid direct by the Debtors.
- f. class six priority unsecured claims - Will not be effected as there are none.
- g. class seven special unsecured claims - Will not be effected as there are none.
- h. class eight general unsecured claims - Will not be effected as these creditors have already reached 46.6% on their duly filed claims.

In all other respects, the Order Confirming Plan referred to above shall remain in full force and effect.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the Court to allow the Proposed Post-Confirmation Plan Modification, or if you want the Court to consider your views on the Proposed Post-Confirmation Plan Modification, within twenty (21) days from the date of service of the motion, you or your attorney must:

1. File with the Court a written response or an answer, explaining your position at:¹

United States Bankruptcy Court

211 West Fort Street, Suite 2100
Detroit, Michigan 48226

If you mail your response to the Court for filing, you must also mail it early enough so the Court will receive it within the above-stated time period.

¹Response or answer must comply with F.R. Civ.P.8(b)(c) and (e)

Mail a copy to:

Office of the Chapter 13 Standing Trustee

Tammy L. Terry
535 Griswold
Suite 2100
Detroit MI 48226

And

Thomas Paluchniak
Babut Law Offices, PLLC
700 Towner St.
Ypsilanti MI 48198

2. If a response or answer is timely and served, the clerk will schedule a hearing on the motion and you will be served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the notice and may allow the modification.

Dated June 10, 2014

**/s/ Thomas Paluchniak
Thomas Paluchniak
Babut Law Offices, PLLC
700 Towner Street
Ypsilanti, MI 48198
734-485-7000
pmontgomery@babutlaw.com
P59433**

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PROOF OF SERVICE

Patricia E. Montgomery, hereby certifies that on June 10, 2014 she served a
copy of the following documents:

- Notice of Proposed Post-confirmation Plan Modification (Exhibit) and
- Proof of Service

upon:

Office of the Chapter 13 Standing Trustee

Tammy L. Terry
535 Griswold
Suite 2100
Detroit MI 48226

and

All parties on the attached Court matrix

via: First Class Mail

Dated: June 10, 2014

/s/ Patricia E. Montgomery
Patricia E. Montgomery
Babut Law Offices, PLLC
700 Towner Street
Ypsilanti, MI 48198
734-485-7000
pmontgomery@babutlaw.com